Cancel claims 11 and 18.

REMARKS

The above-referenced continuation patent application of US patent application serial no. 08/882,381, filed June 25, 1997, has been reviewed in light of the Final Office Action, dated July 19, 2000, and the Advisory Action, dated October 25, 2000, in which: claims 1-4, 7, 8, 12, 19, and 22 are rejected under 35 USC 102(b) as being anticipated by Park et al. (hereinafter "Park"); claims 5-6, 13-15, 20 and 23 are rejected under 35 USC 103(a) on Park in view of Hollier; claims 9 and 16 are rejected under 35 USC 103(a) on Park in view of Erving et al. (hereinafter "Erving"); claims 10, 17, 21 and 24 are rejected under 35 USC 103(a) as being unpatentable on Park; and claims 11 and 18 are objected to as being dependent upon a rejected base claim. Consideration of the above-referenced continuation patent application in view of the foregoing amendment and the following remarks is respectfully requested.

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Claims 1-10, 12-17, 19-24 are now pending the above-referenced patent application. Claims 11 and 18 have been cancelled. These claims are dealt with in US patent application serial no. 08/882,381, the parent application of this continuation application. Therefore, cancellation of these claims here results in no prosecution history estoppel.

The Examiner has rejected claims 1-4, 7, 8, 12, 19, and 22 under 102(b) as being anticipated by Park. This rejection by the Examiner of these claims is respectfully traversed.

It is noted that to successfully establish a *prima facie* rejection under section 102 of the patent statute, the Examiner must provide a single prior art document that alone has every element and every limitation of the claim being rejected. It is respectfully asserted that the Examiner has failed to do this for a variety of reasons.

As stated in a previous response to the Examiner, one example of how Park fails to meet the language of the rejected claims is that it does not show, teach, or describe creating at least two signal streams in the audio channel. Therefore, the Examiner has failed to provide a prior art document that meets all the elements and limitations of claim 1.

In the Final Office Action referenced above, the Examiner states that this reason is not persuasive because, according to the Examiner, "two signal streams must be produced to estimate the echo delay time an any echo cancelling system." However, the Examiner has not pointed to any portion of the cited patent that supports his assertion, as he is required to do.

It is clear from the disclosure of the cited patent, Park, that this is not how this system estimates latency, contrary to the Examiner's assertion. **In particular, the patent states at column 5, lines 64-66, "the output clock for DAC 66 is synchronized to the input clock for ADC 61." Therefore, contrary to the Examiner's assertions, the patent does not employ two signal streams to estimate latency, and, in fact, the patent does not even recognize the problem solved by this continuation application**. It appears that some type of hardware synchronization of separate clocks takes place. Therefore, this patent does not even recognize the latency estimation problem that exists in the computer environment, as described in the continuation application.

Further, the patent disclosure defines "N" and "DELAY." These definitions further confirm that two signal streams are not even employed to estimate latency. The patent defines these terms at column 5, lines 52-59, and at column 6, lines 3-10. **DELAY is defined as N1-N2, which reflects the number of signal samples between when a signal, depicted in FIG. 2 of the patent, exceeds a threshold, TH1, to when it falls below a threshold, TH2. Therefore, it is clear from the description, that only one signal is employed to estimate a delay, although this delay is not even relevant to the delay measured in this continuation application, because, again, the patent cited does not even recognize the problem solved.**

For at least these reasons, it is asserted that the cited patent fails to anticipate the rejected claims, and is not even relevant. It is, therefore, respectfully requested that the Examiner withdraw his rejection of these claims.

Claims 2-4, 7, and 8 depend from and include all the limitations of claim 1. Therefore, these claims patentably distinguish from the cited patent on the same basis as claim 1. It is, therefore, respectfully requested that this rejection of these claims be withdrawn.

Claims 12, 19, and 22 patentably distinguish from the cited patent for similar reasons as discussed above regarding claim 1. Therefore, it is respectfully requested that the rejection of these claims be withdrawn.

The Examiner has also rejected claims 5-6, 13-15, 20 and 23 under 35 USC 103(a) on Park in view of Hollier. This rejection of these claims is respectfully traversed.

It is respectfully asserted that neither Park nor Hollier, alone or in combination, suggests or describes creating at least two signal streams for a waveform in the audio channel. Therefore, even if the combination were proper, although Applicants believe that it is not, nonetheless, the combination would still fail to produce the invention as recited in the rejected claims. It is, therefore, respectfully requested that the rejection of these claims be withdrawn.

The Examiner has also rejected claims 9 and 16 under 35 USC 103(a) on Park in view of Erving. This rejection of these claims is respectfully traversed.

It is respectfully asserted that neither Park nor Erving, alone or in combination, suggests or describes creating at least two signal streams for a waveform in the audio channel. Therefore, even if the combination were proper, although Applicants believe that it is not, nonetheless, the combination would still fail to produce the invention as recited in the rejected claims. It is, therefore, respectfully requested that the rejection of these claims be withdrawn.

The Examiner has also rejected claims 10, 17, 21 and 24 under 35 USC 103(a) on Park. This rejection of these claims is respectfully traversed.

As indicated above, Park neither suggests nor describes creating at least two signal streams for a waveform in the audio channel. Therefore, one of ordinary skill in the art having Park before him would be unable to produce the invention as claimed. It is, therefore, respectfully requested that the rejection of these claims be withdrawn.

CONCLUSION

In view of the foregoing, it is respectfully asserted that the claims pending in this application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 264-0967. Consideration of this patent application and early allowance of these claims is respectfully requested.

Respectfully submitted,

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Dated: 11/22/00

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